

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

THEODUS JORDAN)
Plaintiff)
V.) Civil Action No. 10688-NMG
BOSTON PUBLIC SCHOOLS)
Defendant)

)

ASSENTED TO MOTION TO RE-SCHEDULE SCHEDULING CONFERENCE

NOW COMES the Defendant in the above-captioned matter and respectfully moves this Court to re-schedule the scheduling conference.

In support of this motion, the Defendant states that:

1. The Boston Public Schools Office of Legal Advisor has been without 25% of its usual litigation staff since February of 2005;
2. The absence of an additional assistant corporation counsel has left the Office of Legal Advisor short-staffed, and has created an excessive caseload for the remaining assistant corporation counsel, including Attorney Alves-Thomas, counsel of record for this matter;
3. Attorney Alves-Thomas is scheduled to begin a jury trial in Suffolk Superior Court on January 26, 2006 at 9:00 am- the scheduled date of the scheduling conference in this matter. (Please see Exhibit A).
4. This trial has been re-scheduled three times and is not likely to be rescheduled or settled;

5. There is no other member of the Office of Legal Advisor available to cover the scheduling conference on January 26, 2006;
6. Plaintiff has assented to postponement of the scheduling conference at the Court's convenience but respectfully requests such conference to be scheduled after three (3) p.m. any day except Thursdays if possible.

WHEREFORE, the Defendant, with the assent of the Plaintiff, respectfully requests that this Court re-schedule the scheduling conference to a convenient date.

Dated: December 13, 2005

Respectfully submitted,
Boston School Committee
By its Attorney,
Merita Hopkins
Corporation Counsel

By: /s/ Andrea Alves Thomas
Andrea Alves Thomas, BBO#660050
Assistant Corporation Counsel
Boston Public Schools
26 Court Street, 7th Floor
Boston, MA 02108
(617) 635-9320

CERTIFICATE OF SERVICE

I, Andrea Alves Thomas, hereby certify that on this 13th day of December, 2005 I have served a copy of the foregoing document via first class mail, postage prepaid, directed to:

Theodus Jordan
P.O. Box 840
Jamaica Plain, MA 02130

/s/ Andrea Alves Thomas
Andrea Alves Thomas